

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
(Roanoke Division)

JACK DOE,

Plaintiff,

v.

VIRGINIA POLYTECHNIC  
INSTITUTE AND STATE  
UNIVERSITY, TIMOTHY SANDS,  
FRANK SHUSHOK, JR., KATIE  
REARDON POLIDORO, FRANCES  
KEENE, ENNIS MCCRERY AND  
AARON REISTAD, *employees of  
Virginia Polytechnic Institute and  
State University, sued in his or her  
official and individual capacity,  
jointly and severally,*

Defendants.

Civil Action No. 7:18-cv-492

---

**Motion for Voluntary Dismissal**

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, the Parties, move the Court to dismiss this case, with prejudice. In support of their motions, the Parties represent that they have compromised and settled all issues in dispute and entered into a written Settlement Agreement. The parties also move that the Settlement Agreement be deemed a scholastic record under Virginia Code § 2.2-3700, *et seq* and an education record under 20 U.S.C. § 1232g, *et seq*. Finally, the Parties request that the Court retain jurisdiction over this matter to enforce the Settlement Agreement. Wherefore, the Parties move that this action be dismissed in its entirety

with prejudice, with each party to pay their own costs and attorney fees.

DATED: June 2, 2020

Respectfully submitted,

FRITH ANDERSON + PEAKE, P.C.

HARVEY & BINNALL, PLLC

/s/

Katherine C. Londos (VSB #: 36848)  
Nathan H. Schnetzler (VSB #: 86437)  
29 Franklin Road, SW  
P.O. Box 1240  
Roanoke, Virginia 24006-1240  
Telephone: (540) 772-4600  
Fax: (540) 772-9167  
Email: klondos@faplawfirm.com  
nschnetzler@faplawfirm.com

/s/

Jesse R. Binnall (VSB No. 79292)  
717 King Street, Suite 300  
Alexandria, VA 22314  
Telephone: (703) 888-1943  
Fax: (703) 888-1930  
jbinnall@harveybinnall.com

Kay Heidbreder (VSB No.: 22288)  
University Legal Counsel and  
Senior Assistant Attorney General  
M. Hudson McClanahan (VSB No.: 46363)  
Stephen F. Capaldo (VSB No.: 74045)  
Kristina J. Hartman (VSB No.: 92279)  
Associate University Legal Counsel and  
Assistant Attorney General  
University Legal Counsel (0121)  
Burruss Hall, Suite 236,  
Virginia Tech  
800 Drillfield Drive  
Blacksburg, VA 24060  
Telephone: (540) 231-6293  
Email: heidbred@vt.edu  
hud3@vt.edu  
scapaldo@vt.edu  
kjhart06@vt.edu

NESENOFF & MILTENBERG LLP  
Andrew T. Miltenberg  
Tara J. Davis  
363 Seventh Avenue, 5th Floor  
New York, NY 10001-3904  
Telephone: (212) 736-4500  
Facsimile: (212) 736-2260  
Email: amiltenberg@nmllplaw.com  
tdavis@nmllplaw.com

*Attorneys for Plaintiff*

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 2, 2020, a true and genuine copy of the foregoing was served via electronic mail by the Court's CM/ECF system to all counsel of record.

Respectfully submitted,

/s/ Jesse R. Binnall

Jesse R. Binnall, VSB# 79272  
HARVEY & BINNALL, PLLC  
717 King Street, Suite 300  
Alexandria, VA 22314  
Tel: (703) 888-1943  
Fax: (703) 888-1930  
jbinnall@harveybinnall.com